

Declaration for Christians

by Dick Anthony, Ph.D.

United States District Court, District of Columbia

TONY ALAMO (f/k/a BERNIE LAZAR HOFFMAN) and ALAMO CHRISTIAN CHURCH, Plaintiffs,
against

JASPER R. CLAY, MICHAEL J. GAINES, EDWARD F. REILLY and JOHN R. SIMPSON, as the
United States Parole Commission and JANET RENO, as Attorney General of the United States, Defendants.

DECLARATION OF DICK ANTHONY, Ph.D.

DICK ANTHONY declares as follows:

1. I have been asked to provide a declaration evaluating the scientific status of anticult brainwashing theory and also to discuss the influence of anticult brainwashing theory upon the parole decision made in this case. I have reviewed the following documents in forming my opinion: The complaint in Tony Alamo v. Jasper R. Clay, et al; August 9, 1994 Presentence Investigation Report re: Tony Alamo; June 14, 1995 Initial Hearing Summary re: Bernie Hoffman, AKA Tony Alamo; October 20, 1995 Memorandum from Michael J. Gaines re: Tony Alamo; March 14, 1996, Notice of Action on Appeal re: Tony Alamo; Declarations by James T. Richardson, J. Gordon Melton and Dean M. Kelley in the present action. (I agree with the primary thrust of these declarations and take the substance of their comments for granted in the following.)
2. My qualifications for rendering this service to the court are as follows.
3. I am a research psychologist specializing in the mental health effects of participation in alternative religious movements, a category which includes conservative Christian communal movements such as the one at issue in this case. I am also a specialist in evaluating the scientific standing and legal implications of anticult brainwashing theory. (Anticult brainwashing theory claims that people join and participate in alternative religious movements against their will because they have been brainwashed.) I am also an expert on the coercive influence tactics, sometimes referred to as brainwashing, by the Communist Chinese and North Koreans at the time of the Korean War.
4. I conducted research on alternative religious movements while I served as a Research Associate of the Department of Psychiatry, School of Medicine of the University of North Carolina at Chapel Hill. In this position I was Co-investigator (acting Principle Investigator) of research projects on alternative religious movements funded by the National Institute of Drug Abuse. I have also served as Research Director of the Center for the Study of New Religions at the Graduate Theological Union [GTU] in Berkeley, California. The GTU is a consortium of 7 divinity schools, (four mainstream Protestant, three Roman Catholic) which conducts joint graduate programs with the University of California at Berkeley. As research director of this center for the study of new religions at the GTU, I supervised research funded by the National Endowment for the Humanities, and the Ford, Rockefeller, and San Francisco Foundations.

5. I have co-authored or co-edited several books on the mental health effects of alternative religious movements and have also authored or co-authored approximately 60 professional articles or chapters in books edited by other scholars on this topic. Approximately 30 of these publications were more specifically on the topics of the scientific standing and legal implications of anticult brainwashing theory. Many of these appeared in prestigious anonymous peer review journals such as Social Problems which is published by the American Sociological Association, the Journal of Political Psychology, which is published by the International Association for the Study of Political Psychology, and the Annals of the American Academy of Political and Social Science, which is published by the association of that name. I have also published articles specifically on scientific admissibility criteria for brainwashing arguments in a law review, the New York University Review of Law and Social Change, in a leading forensic psychology journal, Behavioral Sciences and the Law, and in journals that monitor the relationship between law and social science, e.g. The Journal of Church and State.

6. I have also made many invited presentations on scientific admissibility criteria for brainwashing arguments and/or cults before professional organizations, including two Institutes on Tort and Religion sponsored by the American Bar Association and two annual conventions of the American Association for the Advancement of Science. My standing as a leading expert on brainwashing research both with respect to cults and with respect to Korean war era coercive persuasion is demonstrated by my having been asked to serve as the senior author of the chapter on those topics in the highly regarded multi-volume reference work in psychology, The Encyclopedia of Human Behavior. I also co-authored the chapters on cults in leading multi-volume reference works on religion such as the Encyclopedia of Religion published by the Free Press, and the Encyclopedia of Religion in America, published by Scribners, as well as in the Annual Review of Sociology. In addition I co-authored with James Richardson the *amicus curiae* brief on brainwashing testimony be excluded from *Molko and Leal v. Holy Spirit Association* (1988) which was sponsored by the American Sociological Society and was submitted to the U.S. Supreme Court. It is also probably relevant to the question of my expertise in this case that the primary topic of my doctoral dissertation was the development of standards for scientific admissibility criteria for brainwashing testimony in legal trials. (My publications and vocational history are described more fully in my curriculum vitae.)

7. I will divide my comments into two sections: 1) the role of cultic brainwashing theory in motivating decisions made with respect to Mr. Alamo's parole; 2) the lack of scientific status of the cultic brainwashing theory.

8. A summary of my opinions can be stated briefly. The decision to deny parole to Mr. Alamo was based primarily upon the theory that he exploited his congregation by brainwashing them. The cultic brainwashing theory upon which this decision is based has no legitimate scientific standing and is typically used as a pseudo-scientific rationale to justify religious prejudice against alternative religions. The decision to deny Mr. Alamo his parole appears to have been based upon the judgment that the core religious beliefs of Mr. Alamo's congregation are false and therefore that Mr. Alamo has exploited his congregation by encouraging them to subscribe to such false doctrines.

The Role of Anticult Brainwashing Theory in the Parole Decision

9. Anticult brainwashing theory claims that cults are religious organizations which convert and control their members against their will. It claims to base these allegations on research into Korean War era Communist brainwashing of Western POWs and civilian prisoners in China. It claims that such research demonstrated that the Communists possessed techniques capable of converting Westerners to Communism against their will and that contemporary cults use the same or similar techniques to overwhelm the will of their converts.

10. Anticult brainwashing theory generally disclaims any animus towards particular religious beliefs and claims to be opposed only to coercive conduct, that is, coercive or manipulative tactics of persuasion. Close examination of anticult testimony in legal trials and in anticult publication outlets, however, reveals that such disclaimers of prejudice against particular religious beliefs are a smokescreen. In my opinion such disclaimers are intended to evade constitutional prohibitions upon the pejorative evaluation of religious authenticity in governmental actions such as legal trials. See pgs. 317-322 of Anthony, 1990. See also pgs. 524-536 of Anthony and Robbins, 1995.

11. A primary way in which anticult brainwashing theory covertly accomplishes allegations of false religious beliefs is to construe members' belief in the divinely ordained prophetic character and legitimate authority of a religious leader as false because such beliefs are allegedly involuntary and based upon the use of brainwashing techniques on the part of the leader. Another common tactic is to construe members' beliefs in the divinely ordained value of holding property in common and contributing one's labor for the common good of the religious collectivity as false because they allegedly result from the brainwashing techniques of the leader. Another common tactic is to construe the members' beliefs in the divinely ordained value of a hierarchical authority structure with their leader or leaders at the top as false beliefs involuntarily accepted only because of brainwashing. Another common tactic is to construe the religious beliefs of the charismatic religious leader in his own divinely ordained prophetic status, and in the divinely ordained communal, economic, social, and authority structure of his religion as false and insincere.

12. Such beliefs on the part of such a religion's leader characteristically are portrayed as nothing more than manipulations on

his part so as to gain authority and control over his followers and so that he can exploit them on behalf of his own selfish economic interests and against their own best interests. The brainwashing techniques are often construed as being nothing more than the leader's persuasive advocacy of his own religious beliefs. The proof of the coercive character of such alleged brainwashing techniques is taken to be their effectiveness, that is the fact that his followers have been persuaded by his advocacy of his particular religious vision. Such a vision often includes the theory that the mainstream world is sinful and fallen and that it will be returned to God's will for it by the mission of the prophetic leader and his devoted followers who hold their property in common and devote all their energies to fulfilling it.

13. The whole logical structure of the use of brainwashing arguments to disqualify such religious beliefs from constitutional protection is not scientific but circular; it is based upon a presumption in favor of the religious beliefs of the alleged brainwashing experts and against the conflicting beliefs of the members of the religious organization which is under attack. As Robert Lifton, has said, "Of course, one man's cult is another man's religion—there is a certain pejorative inference in using the word (1985, 60)". If you are a devoted member of the alleged cult, your religious beliefs and the pattern of life based upon them seem to you to be divinely ordained and the basis of your own spiritual freedom. From the conflicting anticult belief perspective, it appears as if members are wasting their lives because they have involuntarily accepted the self-serving, false, religious vision of the charismatic leader. I will address the lack of scientific foundation of brainwashing arguments in the next section. In the remainder of this section I will explain how anticult brainwashing allegations such as those described above appear to have motivated the decision to deny Mr. Alamo his parole.

14. In order to trace the effect of cultic brainwashing theories upon the parole decision it is important to realize that in legal settings such theories are often communicated somewhat indirectly and circuitously. The scientific and constitutional problems of brainwashing theories in a legal setting have become rather well-known because of a series of legal decisions excluding brainwashing testimony have been based upon them. (See Anthony and Robbins, 1995.) Moreover, religious and ethnic prejudice is often communicated by innuendo in a kind of semi-secret code because of official disapproval of such opinions. Those who covertly accept such prejudices communicate them by the use of cryptic buzz words and vague allegations that are well understood by those of like mind.

15. Careful review of the documents in which the decision was communicated at the several administrative levels suggests strongly that brainwashing allegations and associated religious prejudice were the primary basis of the eventual decision. The brainwashing allegations were made most explicitly at lower administrative levels and they became more indirect and circuitous at the higher levels. It is possible that as Mr. Alamo's followers communicated their displeasure with the religious prejudice that was keeping him in jail beyond a normal time-frame, administrators at the highest level became concerned about the scientific and constitutional problems with the brainwashing rationale that motivated their decision. It appears that those who finally made the decision in this case attempted to conceal the anticult brainwashing theory upon which their decision was based. Nevertheless, a careful reading of the final decision of the denial of Mr. Alamo's parole indicates strongly that it too was motivated by the brainwashing argument and the religious prejudice with which it is inseparably intermingled, just as were the earlier levels of the decision in which the brainwashing allegations were made more explicitly.

The Presentence Investigation Report

16. The following are passages in the August 9, 1994 "Presentence Investigation Report" [PIR] in which anticult brainwashing allegations based upon claims that religious beliefs are false were made.

17. Page 3, paragraph 10. "According to the Internal Revenue Service (IRS), the businesses controlled and essentially owned by the defendant, had a gross income for this year of \$2,756,382." This sentence apparently assumes that the religious collectivity as a whole had been brainwashed, that their affairs were managed in the service of Mr. Alamo's covertly private, secular, self-interest, and therefore that businesses owned by the collectivity were in reality his secular private property.

18. Page 15, paragraph 15. This paragraph describes a communal religious organization, i.e. the Alamo Church, in highly colored, pejorative language emphasizing allegedly excessive control of followers whose religious beliefs in the value of such arrangements are assumed to be false and involuntarily arrived at. It concludes with the sentence: "It is said that the group also used classic forms of brainwashing." The relevance of this paragraph to the generalizations I made above about the role of the cultic brainwashing theory in the parole decision at issue should be self-evident.

19. Page 5, 18. "It was related that many of the followers worked in the cannery for 12-18 hours a day. There were allegations that all the time they toiled, Tony Alamo's message was played over loudspeakers. It has also been said that the workers were fed vitamins and large quantities of coffee during their hours of toil. Food was a reward." The purely factual assertions in this passage are likely to have been exaggerated as is common with such anonymous allegations in a polarized ideological atmosphere conducive to religious prejudice. Even if they are wholly true, however, the members would have a constitutionally protected right to work long hours in the service of their vision, listen to sermons over loudspeakers, take vitamins and drink coffee, and eat food to sustain them in their labors.

20. These particular facts acquire a sinister significance only if it is assumed that the actions of the members were motivated

by false religious beliefs involuntarily arrived at. However, the particular selection and style of communication of these facts are designed to trigger associations which entered the cultural mainstream through unscientific brainwashing works, such as the novel, *The Manchurian Candidate*, George Orwell's 1984, and the CIA funded and directed, pseudo-scientific propaganda tracts of Edward Hunter (1951, 1956). (See Anthony and Robbins, 1994.) If the brainwashing issue had not already been raised in the PIR, and essentially accepted as true, these facts would perhaps suggest an intensity of religious commitment that wouldn't be chosen by most of us, but they would not be relevant to whether Mr. Alamo was viewed as an egregious criminal.

21. Page 16, 62. "The probation officer considered the group to be a dangerous cult." The rest of the paragraph is a pejorative description of the living arrangements of a typical communal religious group. These details are not illegal or inherently objectionable from a moral standpoint unless one assumes that they are motivated by false religious beliefs involuntarily arrived at. Other paragraphs contain similar details of their communal arrangements the significance of which is their implicit relationship to brainwashing allegations, e.g. paragraphs 66, 67.

22. A frequently repeated allegation in this report, e.g. in paragraph 66, is that Alamo threatened to expel followers who didn't submit to his authority or follow the rules of the organization. This practice is often referred to as "shunning", and it is common in communal or close-knit alternative religions. In the Roman Catholic Church, the practice is known as "ex-communication". It is not illegal, it is a constitutionally protected religious practice, and it is therefore not relevant to any crimes Mr. Alamo may or may not have committed.

23. The report repeats with apparent approval newspaper assertions or allusions to cultic brainwashing with respect to the Alamo Church. Examples include paragraph 68: "One newspaper article referred to Mr. Alamo as a cross between Elvis Presley and Jim Jones." (Jim Jones was the charismatic leader of "The People's Temple", considered in anticult circles to be the paradigmatic instance of a destructive cult.) Another example is paragraph 76: "Those who watch groups such as Alamo's consider his organization a classic mind control cult."

24. The report also describes the civil action of two ex-followers, Robert and Carey Miller, against Alamo which probably turned upon a cultic brainwashing theory. The court apparently exercised the \$1.8 million judgment against the church's property on the theory that the church was merely the alter ego of Alamo because he had brainwashed its members. (It seems likely to me based upon my own experience as an expert in such cases that if his defense lawyers had submitted competent motions in limine or a summary judgment motion supported by experts' declarations on the lack of scientific standing of cultic brainwashing theory, the outcome of this lawsuit might well have been very different.)

25. The importance of these various cultic brainwashing allegations to the main thrust of the report is demonstrated in paragraph 105, the final paragraph of the report, under "PART E: FACTORS THAT MAY WARRANT DEPARTURE". "Although this is a 'tax case' and the victim is the United States, one cannot lose sight that the defendant made millions of dollars off people who were abused physically and psychologically..." As the foregoing should demonstrate, this summary statement is speculative and primarily based upon the unscientific, cultic-brainwashing theory.

The Gaines Memorandum

26. Acting Commissioner Gaines' memo is less explicit about the cultic brainwashing basis of its recommendation against Mr. Alamo's parole than was the Presentence Investigation Report. It doesn't mention the term brainwashing for instance. Nevertheless, it is clear that the primary basis of the report is the cultic brainwashing theory.

27. The report implicitly acknowledges that the brainwashing rationale for rejecting Mr. Alamo's parole had become quite controversial. It mentions the USPC having received over 400 pieces of correspondence on the matter. It states that: "Some of this correspondence is very supportive of subject and other information is of a victim nature." It is likely that the correspondence of a "victim nature" was from dissident ex-followers influenced by the anti-cult movement who advocated a brainwashing interpretation of Mr. Alamo's religious influence. On the other hand, it is likely that the bulk of the correspondence supportive of Mr. Alamo viewed his actions through the lens of the loyal members' own religious beliefs in his divinely ordained prophetic status and in the divinely ordained necessity of the communal economic and social structure of their religion. Thus, this controversy was squarely focused around the issue of whether the community was organized upon the basis of brainwashing techniques utilized by Mr. Alamo, or whether it was organized upon the basis of divinely inspired religious doctrines.

28. Acting Commissioner Gaines' memo clearly tilts in favor of the brainwashing side of the controversy, thus accepting the anticult argument that the religious beliefs of the members of the Alamo Church are false. What other interpretation is possible given statements such as those in the third paragraph under the heading "B. Regional Commissioner's Evaluation and Vote"? The paragraph reads:

Examiner Young notes that the PSI and letters from victims are sufficient for a reasonable conclusion that subject committed his scheme by exerting unusually strong control over very vulnerable "religious followers" of his. He used destitute people, unwed young mothers and children to bring in money in exchange for living in subject's religious compound. According to the PSI and the victims, subject had followers abused physically and psychologically. This was a cult in the truest sense and subject's followers were used like slaves.

29. This paragraph clearly indicates that Acting Commissioner Gaines has sided with dissident ex-members in the dispute over the truth or falsity of religious doctrines of the Alamo Church and has accepted the brainwashing rationale for why such doctrines should be viewed as false. This impression is further reinforced by the concluding sentence of its concluding paragraph under REASONS:

You made money off unusually vulnerable “religious followers” who were abused physically and psychologically.

30. Is the phrase “religious followers” in quotes because he questions whether brainwashed cult victims are religious believers in a true sense? However that may be, this summary sentence makes sense as the primary conclusion of the memo only if Commissioner Gaines has accepted the brainwashing theory that the members’ actions are based upon involuntary false doctrines.

NOTICE OF ACTION ON APPEAL

31. This notice, which upheld Acting Commissioner Gaines’ denial of Mr. Alamo’s parole, includes the following passage:
This evaluation of your offense behavior is made without reference to the issue of whether or not your religious organization is accurately described as a “cult”. The commission assumes that it was a genuine religious organization and that you hypocritically exploited it for unlawful personal ends.

32. This statement is self-contradictory. If Alamo’s Church is a genuine religious organization, then its core religious beliefs should be beyond the reach of governmental evaluation or interference. This religion encompasses core religious doctrines which hold that Tony Alamo is a divinely inspired prophet and that its communitarian social and economic arrangements are also divinely inspired. The assumption that Alamo hypocritically exploited the religious organization for his unlawful personal ends contradicts these core beliefs. It is clearly based upon the underlying assumptions that the religion is a cult and that its members are brainwashed puppets who involuntarily participate in the economic and social arrangements of the religion against their own free will.

33. Given the controversy stirred up by the pseudo-scientific, religiously prejudiced, cultic-brainwashing rationale for Acting Commissioner Gaines’ finding, the commission appears to be trying to conceal the continued use of the cultic brainwashing theory as a basis for refusing the parole. It is an obvious contradiction to Gaines’ finding that almost all of Alamo’s supposed victims deny that they have been victimized. This contradiction can only be swept under the rug by the assumptions that they have been brainwashed and that their beliefs in the divinely inspired nature of their economic practices are false and involuntary. Consequently the brainwashing rationale for denying the parole must be communicated, but it must be alluded to indirectly while it is simultaneously denied at the same time.

34. As indicated above, when religious or ethnic prejudice is officially off-limits as a basis for governmental action, such prejudice tends to be explicitly disavowed and only to be communicated as the covert motivation for decisions through a kind of allusive code. It is similar to the old comedy routine, wherein the comedian getting a laugh and appreciative applause would put up one hand to modestly signal stop and with the other hand below would be signaling simultaneously, “Come on, come on.” The commission officially is disavowing a cultic brainwashing rationale for its finding while it simultaneously is stating a covertly-coded version of that theory in the same document. Such covert cultic brainwashing assumptions are clearly indicated by the following passage, even though they are, as in the statement quoted above, intermixed with a pious denial of the religious bias upon which they are based.

Although the religious organization you headed was clearly genuine, and provided a real benefit to the community [pro forma pious denial of religious prejudice], it is clear that you were gradually corrupted by the wealth generated by your organization’s multiple commercial activities. You defrauded the IRS treating the organization’s income as your own and evading taxes on that income. It is an aggravating factor that this income was derived from the exploitation of unusually vulnerable victims, who contributed their labor to generate this income out of religious conviction [simultaneous statement of religious prejudice].

35. Like the previous passage this statement simultaneously denies and affirms religious prejudice. By asserting that Alamo is corrupt it denies the truth of the members’ conviction that his decisions are divinely inspired. By asserting that he treated the organization’s income as his own it denies the truth of the members’ conviction that there is no legitimate distinction between the interests of Alamo and that of his congregation because his life is devoted to their interests. By asserting that his income was derived from the exploitation of unusually vulnerable victims, it is asserting that the members’ conviction in the divinely ordained character of their economic and social arrangements is involuntary and false.

36. The statement acknowledges that the alleged victims “contributed their labor to generate [allegedly] his income out of religious conviction.” However, by asserting that the members’ contribution of their labor to their religious collectivity was based upon the involuntary decisions of “vulnerable victims”, the statement unequivocally treats their religious conviction in the correctness of their decisions as false. By basing its decision to deny parole to Mr. Alamo on the proposition that his members are his unwitting dupes, the Parole Commission is clearly substituting the religious opinion of the government for that of the members of a genuine religious organization.

37. The commission’s decision to deny Alamo his parole is actually based, then upon the finding that Alamo is not a genuine,

divinely-inspired prophet, and also that the religious organization he leads is a bogus religion because its core beliefs are involuntarily inculcated and its primary organizational beliefs and practices are inauthentic techniques of mind control. The decision treats the core religious beliefs of Alamo's loyal followers as involuntary false beliefs.

38. Such a basis for a parole decision appears to me to be unconstitutional on its face. This is so even if, *arguendo*, the cultic brainwashing theory were found to have a sound basis from a non-religious, secular scientific perspective. Legal testimony based upon cultic brainwashing theories has repeatedly been refused admission, or judgments based upon such testimony overturned, on the grounds that such testimony violates the principle, enunciated clearly in *U.S. v. Ballard*, that secular criteria of truth or rationality cannot be brought into play in order to rule that religious doctrines are false or inauthentic. See for instance *Meroni v. Holy Spirit Association* or *Katz v. Superior Court*.

39. The unconstitutional nature of the cultic brainwashing basis for denial of Mr. Alamo's parole should be sufficient grounds in itself for reversing the decision. Such a reversal is all the more warranted when it is realized that there is no sound scientific basis for the cultic brainwashing theory. In other words, there is no reliable scientific basis for maintaining that Mr. Alamo's followers accept his authority and participate in the economic and social arrangements he recommends against their own free will. Thus, the decision should be reversed upon both constitutional and scientific grounds. We will discuss the pseudo-scientific character of the cultic brainwashing theory in the next section.

The Scientific Standing of Cultic Brainwashing Theory

40. It is well established that cultic brainwashing theory has no legitimate scientific standing. This theory, which has been primarily formulated by Margaret Singer and Richard Ofshe (Ofshe, 1981, 1989; Ofshe and Singer, 1986; Singer, 1978, 1983; Singer and Ofshe, 1992) contends that cults are religious organizations which convert and control their members against their will. (See Anthony, 1990, Anthony and Robbins, 1992 Anthony and Robbins, 1994 Anthony and Robbins, 1995 for accounts of anticult brainwashing theory and its use in legal trials.) Cults allegedly accomplish such involuntary influence by using tactics of influence that were used originally by Chinese and Korean Communists against Western POWs in Korea and also against Western civilian prisoners in Chinese thought reform prisons.

41. Cultic brainwashing experts claim that research on Communist brainwashing provides them with criteria by which they are capable of drawing the line on a scientific basis between social influence that causes involuntary compliance and that which does not. The theory that Communism possessed brainwashing techniques capable of overwhelming free will was developed by the American CIA as a propaganda ploy to disparage the authenticity of Communist influence (Anthony and Robbins, 1994). In fact, no scientifically meaningful percentage of Western prisoners in Communists prisons or POW camps were converted to Communism.

42. The original formulator of the brainwashing theory of Communist influence was Edward Hunter a covert propaganda specialist for the CIA who worked undercover as a journalist. His books and articles popularized the CIA brainwashing theory of Communist mind control. Publications on Communist methods of persuasion used on Korean POWs and on Western prisoners in Communist thought reform prisons around the time of the Korean War fall into two clearly separate categories with respect to the issues of involuntariness and drawing the line. The publications that cultic brainwashing theory is based upon are commonly referred to as "brainwashing" theories. Those that cultic brainwashing theories falsely claim to be based on, e.g. the theories of Robert Lifton and Edgar Schein, fall into the second category which I refer to as "theories of totalitarian influence."

43. Brainwashing theories have generally been discredited in the academic world, and in fact were repudiated by the totalitarian influence theories, referred to above, which do have some claim to academic respectability (Anthony and Robbins, 1994). Publications in the brainwashing category include books such as those by Edward Hunter (1951, 1956) who was the originator of brainwashing theory referred to above. They also include books or articles by Sargent (1957, 1974), Meerloo (1951, 1954, 1956), Farber, Harlow, and West (1957).

44. Theories of totalitarian influence, on the other hand, include among others the theories usually claimed as the theoretical foundation for testimony in anticult brainwashing trials, i.e. those formulated by Robert Lifton and Edgar Schein (1961). As I have indicated above, anticult mental coercion testimony is actually based upon discredited brainwashing theories rather than the more generally accepted theories of Schein and Lifton that anticult witnesses claim as their theoretical foundation.

45. The idea of "brainwashing" has two distinct but overlapping references. The term has been used to denote the actual historical experience of the indoctrination of Western prisoners of war in Korea and the methods of influence employed by their Communist captors. More generally the term denotes an extreme mode of indoctrination which allegedly is qualitatively different from normal social influence and other modes of indoctrination in that it is supposedly derived from scientific research and capable of overwhelming free will.

46. Brainwashing supposedly undermines subjects' true political and religious beliefs and the sense of identity based upon them. It is alleged to coercively substitute sharply contrasting beliefs and a false self. The variables which determine the efficacy of influence are assumed to be esoteric and technical, such as the use of drugs, hypnosis, and distinctive conditioning procedures based upon scientific research. These factors allegedly involve the creation of a distinctive, altered state of consciousness within

which the subject is highly suggestible and in which alternative beliefs and alternative identity are coercively implanted. The predisposing characteristics of subjects are not considered salient. Physical coercion is not considered essential to the process.

47. An alternative perspective, which I have designated above as the totalitarian influence approach, focuses on personality and motivational factors determining the attraction of persons to totalitarian ideologies and groups (Anthony and Robbins, 1994). This approach emerged at roughly the same time that the notion of brainwashing developed. This perspective emerged from within a general interdisciplinary analysis of totalitarianism, and was used to interpret the indoctrination of Westerners within Communist prisoner of war camps and prisons by among others, Edgar Schein and Robert Lifton.

48. The totalitarian influence approach found that such influence was not capable of causing the involuntary substitution of false beliefs for true ones, nor of supplanting a person's real self with an inauthentic one. The appearance of involuntary alteration of beliefs and identities, according to this perspective, was created primarily by prisoners' simple behavioral compliance to their captors' wishes because of extreme physical coercion, resulting in no real change in belief. The small amount of real change in belief by Westerners in Communist prisons, on the other hand, was based upon character logical and ideological predispositions and did not result from novel or distinctive techniques of influence.

49. What was distinctive about totalitarian influence, according to these theories, was not the techniques of influence used but rather the structure and content of totalitarian beliefs. The content of such beliefs is centered around the promise of the creation of a utopia through the imposition of state control of all facets of social life. The structure of such beliefs is distinctive in that they are organized as a hierarchy of black and white polar contrasts between good and evil, with one overarching polarity, e.g. Communists vs. Capitalists or Aryans vs. Jews, giving force and meaning to subordinate oppositions.

50. People who were influenced by the presentation of such an extremist ideology were prone to be sympathetic to it, according to these theories, because of pre-existing temperamental and ideological characteristics before they were exposed to it in the prison setting. Consequently, according to perspectives that applied general principles of totalitarian influence to the analysis of the experience of Westerners in Communist prisons, the brainwashing model involved an incorrect analysis of totalitarian influence in that such influence is not capable of involuntarily altering beliefs or identity and is not qualitatively different, in terms of techniques, from other forms of social influence.

51. No distinctively different states of consciousness are created by totalitarian influence and people being subjected to it are not unusually suggestible or uncritical with respect to the ideology to which they are exposed. No distinctively involuntary influence occurs in the brainwashing setting, except in the prosaic sense that people who are plausibly threatened will often do what you ask them to. People who are influenced by totalitarian propaganda in the prison setting would also have been sympathetic to it in a voluntary setting in which no coercive techniques of influence were present.

52. As we have indicated above, cultic brainwashing experts such as Margaret Singer and Richard Ofshe falsely claim that research upon Communist brainwashing provides them with scientific criteria by which they are able to distinguish between influence that results in involuntary compliance and that which does not. Mainstream Scientific organizations such as the American Psychological Association the Society for the Scientific Study of Religion, and the American Sociological Association, on the other hand, have opposed such testimony through *amicus curiae* briefs on the grounds that: 1) research on Communist thought reform and cults provides no reliable scientific basis for drawing the line between influence that results in involuntary conduct and influence that does not result in involuntary conduct; 2) research on alternative religious movements, (pejoratively referred to as cults by the anticult movement) disconfirms the proposition that people join or remain committed to such organizations involuntarily. As a result of such scientific opposition to anticult brainwashing testimony, federal courts, e.g. in *U.S. v. Fishman*, *Greene and Ryan v. Maharishi Mahesh Yogi*, have repeatedly ruled that anticult brainwashing testimony is inadmissible because it does not rely upon a generally, or even substantially, accepted scientific foundation. See my discussion of such cases in Anthony and Robbins, 1992, and 1995.

53. In one well-known such case (*U.S. v. Fishman*), the judge ruled that the Singer-Ofshe cultic brainwashing testimony is not accurately based upon its claimed theoretical foundation that is Schein's and Lifton's research upon Communist coercive persuasion. He also ruled that the Singer-Ofshe cultic brainwashing theory is not generally accepted in the relevant scholarly communities, which in his opinion clearly includes the communities represented by the American Psychological Association [APA] and the American Sociological Association [ASA], and that neither brainwashing nor totalitarian influence theories provide a scientifically reliable basis for distinguishing between social influence that overwhelms free will and that which does not.

54. The scholarly associations referred to in Judge Jensen's opinion (the APA and the ASA) had submitted *amicus curiae* briefs at successive levels of appeal of *Molko and Leal v. Holy Spirit Association* in which they argued that Singer's and Ofshe's cultic brainwashing theory is not generally accepted as having scientific merit. These briefs argue that the Singer-Ofshe theory does not provide a scientifically reliable method for determining when social influence overwhelms free will and when it does not. The court accepted the opinions of the scholarly associations on this point as authoritative. Judge Jensen wrote:

There is little dispute in this case that the relevant field for purposes of the Frye analysis encompasses the American Psychological Association and the American Sociological Association. Based on the expansive record in this case, the Court

finds that there is no consensus or general acceptance within these associations regarding the thought reform theories of Dr. Singer and Dr. Ofshe. The proffered testimony in this case has been challenged by the scientific community on grounds of both scientific merit and methodological rigor. Dr. Singer and Dr. Ofshe contend that an individual's free will can be overcome by persuasion techniques in the absence of physical force. They further contend that they can pinpoint with scientific accuracy the degree of non-physical coercion necessary to overcome the free will of an individual having a particular personality composite.... There is no consensus within the scientific community regarding whether the deprivation of free will occurs in these circumstances, nor is there a consensus on how to measure this deprivation. The disagreement within the field of thought reform regarding the Singer-Ofshe thesis is highlighted by Dr. Robert Lifton's own reservations regarding the application of coercive persuasion theory to religious cults.... The court agrees with Dr. Lifton that restraint is called for in this case. Although Dr. Singer and Dr. Ofshe are respected members of their fields, their theories regarding the coercive persuasion practiced by religious cults are not sufficiently established to be admitted as evidence in federal courts of law (pg. 719).

55. Thus, the Fishman decision as well as other decisions excluding cultic brainwashing theory as a basis for testimony endorsed the point of view expressed in this declaration that cultic brainwashing theory is not based upon a generally accepted scientific foundation. It is probably also relevant for the court in this case to know that I was an expert witness for the prosecution in the Fishman case and submitted a 45 page declaration. Judge Jensen's decision endorsed the reasoning in that declaration and I have presented a similar viewpoint in this declaration.

56. Given the generalizations we are making in this section about the differences between brainwashing and totalitarian influence theories, only the brainwashing approach would support the notion of induced loss of capacity of the members of his congregation which underpins the decision to deny Mr. Alamo his parole. The totalitarian influence approach, on the other hand, is incompatible with the reasoning of the parole decision because it repudiates the concept of externally induced loss of capacity. Moreover, there is no significant controversy with respect to the scientific standing of either type of theory. As we have argued, brainwashing theories are generally repudiated as being without scientific value, whereas totalitarian influence theories have some acceptance.

57. The reasoning of the parole commission in rejecting Mr. Alamo's parole appears to be based upon the unscientific brainwashing theory. It endorses the viewpoint that the members of his congregation are brainwashed victims who must be protected from the consequences of their own religious beliefs and thus deprived of the services and company of the leader whom they believe to be a divinely inspired prophet for several more years. The Parole Commission appears to be acting on the basis of religious prejudice in depriving not only Tony Alamo but the members of his flock of their constitutionally protected right to believe in and practice their religion as they think best.

Pursuant to 28 U.S.C. Sec. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on June 17, 1996.

Dick Anthony

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